

**Admitting Expert  
Child Custody Evaluations  
Under  
Newly Amended  
MRE 703 & 1101**

**Judge William J. Giovan**

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**Amended MRE - RULE 703 (9-01-03)**  
**Bases of Opinion Testimony By Experts**

The facts or data in the particular case upon which an expert bases an opinion or inference shall be in evidence. This rule does not restrict the discretion of the court to receive expert opinion testimony subject to the condition that the factual bases of the opinion be admitted in evidence thereafter.



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**Original FRE 703**  
**Bases of Opinion Testimony By Experts**

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.



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## **Original MRE 703**

### **Bases of Opinion Testimony By Experts**

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. The court may require that underlying facts or data essential to an opinion or inference be in evidence.

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### **Friend of the Court Statute MCL.552.505(1)**

Sec 5.(1) Each office of the friend of the court has the following duties:

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- (g) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court regarding child custody or parenting time, or both, if there is a dispute as to child custody or parenting time, or both, and domestic relations mediation is refused by either party or is unsuccessful, or if ordered to do so by the court.

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### **Friend of the Court Statute MCL.552.505(1)**

(g) *continues:*

The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. (Emphasis added.) If requested by a party, an investigation shall include a meeting with the party.

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**Friend of the Court Statute**  
**MCL.552.505(1)**

(g) *continues:*

A written report and recommendation regarding child custody or parenting time, or both, shall be based upon the factors enumerated in the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.



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